



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GENAPP.002RA

(020728.0101PTUS)

PATENT

Applicant : T. Venkat Gopal) Group Art Unit: 1636
Reissue Appl. : 09/404,979)
Filed : September 22, 1999) **Supplemental Declaration**
For : PEPTIDE-MEDIATED) **for Reissue Application**
GENE TRANSFER) **Under 37 C.F.R. § 1.175(b)(1)**
Examiner: McKelvey, T.)

Honorable Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, as named inventor, declare as follows:

1. I am a citizen of the United States. My residence and post address are 14624 Boat House Way, North Potomac, MD 20878.
2. I believe that I am the original, first and sole inventor of the subject matter described and claimed in U.S. Patent No. 5,670,347, issued Sep. 23, 1997, and of the subject matter disclosed and claimed in the pending reissue application 09/404,979.
3. I have reviewed and understand the contents of the specification and claims as amended of the pending reissue application, including the amendment filed herewith.
4. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

5. On information and belief, U.S. Patent No. 5,670,347 is partially inoperable by reason of a defective specification or by reason of claiming less than I had a right to claim.

7. On information and belief, I have learned that the oath/declaration filed 5/17/2001 has been determined defective due to a page missing in the official file. A defect identified in the specification in the oath/declaration filed 5/17/2001 is described immediately below.

6. Specifically, the defect in the specification resides in a sequence listing error occurring in Table 1.

7. Table 1 states:

Mouse c-abl (SEQ ID NO: 30) K--K--K--K--K.

8. However Table 1 should state:

Mouse c-abl (SEQ ID NO: 30) S--A--L--I--K--K--K--K--K--M--A--P.

9. What follows is a chain of error in the sequence listing. Table 1 lists a representative sample of nuclear localization signals and expressly incorporates by reference Garcia-Bustos *et al.*, Biochem. Biophys. Acta 1071: 83 (1991) as authority. *See* col. 5, first line following Table 1. The Garcia-Bustos *et al.* citation indicates at its Table 1 that the nuclear localization signal for mouse c-abl is K--K--K--K--K. However, this sequence is inaccurate as evidence by Van Etten *et al.*, Cell 58: 669 (1989) to which the Garcia-Bustos *et al.*, secondary reference refers as the primary reference. The Van Etten *et al.* primary reference indicates at its Table 1 that the nuclear localization signal for mouse c-abl is S--A--L--I--K--K--K--K--K--M--A--P. The reference sequence listing occurring in Table 1 is thus in error.

10. An additional defect in the specification not covered by a prior oath/declaration submitted in this application has been identified in a sequence listing error in Table 1.

11. Table 1 states:

Yeast Histone 2B (SEQ ID NO: 13) G--K--K--R--S--K--A.

12. However Table 1 should state:

Yeast Histone 2B (SEQ ID NO: 13) D--G--K--K--R--S.

13. What follows is a chain of error in the sequence listing. The Garcia-Bustos *et al.* table indicates the primary reference is Moreland, R.B., *et al.*, Mol. Cell. Biol. 7, 4048-4057 (attached). The Moreland reference abstract states “[a]mino acids 28 to 33 in H2B were required for nuclear localization” (abstract, line 2). The abstract then continues “[t]he sequence in this region (Gly-29 Lys Lys Arg Ser Lys Ala) is similar to [...]” (abstract, line 3). In creating the Garcia-Bustos *et al.* table, the authors apparently assumed that the amino acid sequence “Gly-29 Lys Lys Arg Ser Lys Ala” in the Moreland abstract was referring to the sequence required for nuclear localization. However, Moreland is obviously referring to two separate amino acid sequences within Histone 2B, i.e., 28 to 33 and 29 to 35, since the leading glycine of the second sequence is labeled 29, not 28. Examination of page 4052 of the Moreland reference indicates the amino acid sequence of amino acids 28 to 33 in H2B is Asp-28 Gly Lys Lys Arg Ser.

14. Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

15. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application of patent issuing therefrom.

Dated: 10/12/04

By: T. Venkat Gopal
T. Venkat Gopal